

**REMARKS**

**I. Formal Matters**

Claims 1-32 are all the claims pending in the application.

By this Amendment, Applicant editorially amends claims 1-13. The amendments to claims 1-13 were made for reasons of precision of language and consistency. By this amendment, Applicant also adds new claims 14-32. Ample support for the newly added claims can be found throughout the specification.

Applicant thanks the Examiner for acknowledging the receipt of priority documents submitted under 35 U.S.C. 119(a)-(d). Applicant further thanks the Examiner for initialing the information disclosure statements (IDS) submitted on November 21, 2003.

**II. Objections to Specification**

The Examiner has objected to the disclosure of the specification. Applicants have amended the specification as requested by the Examiner.

**III. Claim Rejections under 35 U.S.C. § 112**

The Examiner has rejected claims 1, 3-7 and 9-11 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant hereby amends claims 1, 3-7, 9, 10 and 11 as requested by the Examiner, thus rendering the rejection with respect to these claims moot.

**IV. Claim Rejections under 35 U.S.C. § 103**

The Examiner has also rejected claims 1-3 and 9 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lashley et al. (US 6,118,067). Applicant respectfully disagrees.

With regard to independent claim 1, this rejection is respectfully traversed as Lashley does not disclose, or even suggest, at least a “reflector which is designed also to be placed on said panel … being fixed at one of its ends in the height direction to the cell by fixing means so that together the cell and the reflector form an individual component.”

Instead, Lashley discloses a photovoltaic concentrator system, comprising a solar cell panel, a radiator panel and a reflective concentrator panel. (See Col. 3, ll. 15-17). The solar cell panel is attached to the radiator panel and angled in a position to face the reflective concentrator panel. (See Col. 3, ll. 31-36). That is, both the solar cell and the reflector panel are attached to the radiator panel and not to each other. (See FIGS. 1 and 2). As such, the solar cell and the reflective panel do not form an individual component.

In fact, the radiator panel is a necessary component of Lashley, required to dissipate the heat generated by the solar cell in space. Thus, contrary to the Examiner’s assertion, the solar cell cannot be attached to the reflective panel in Lashley. For at least this reason, Applicant asserts that claim 1 is allowable over Lashley.

Moreover, Lashley fails to disclose, or even suggest, a first position wherein “an upper face of the reflector fac[es] out to space and a lower opposite face fac[es] the panel, and … a second position wherein … [the] upper face [is oriented] to fac[e] towards the plane of the panel in response to the application of vertical pressure,” as recited in claim 1.

Instead, relying on FIGS. 1 and 2, the same figures relied on by the Examiner, Lashley discloses “a linear curved reflector 310, which concentrates [and reflects] light onto a linear cell array 330.” (Col. 5, ll. 5-7). The reflector and the cell array are both attached to a radiator panel. As shown in FIG. 2, the reflector is curved toward the linear cell array 330, so as to reflect, and

concentrate light onto the cell array. In other words, the reflective portion (the alleged upper face) of the linear curved reflector 310 is arranged to face the radiator panel and the cell array in the deployed state. Additionally, the alleged “lower” face of Lashley faces away from the radiator panel and the solar cell in this state.

Furthermore, the system in Lashley “is designed to be folded in a manner to reduce its stowage volume for transportation to space. (See Col. 3, ll. 25-28). Thus, the reflective face of Lashley faces the radiator panel in both a preliminary state and in a deployed state, so that it can properly be pressed down by a vertical force. For at least this additional reason Applicants respectfully assert that claim 1 is not obvious in view of Lashley.

With regard to claims 8, 12 and 13, those claims depend from independent claim 1. As such, Applicant respectfully assert that claims 8, 12 and 13 are patentable at least by virtue of their dependency from claim 1, as well as the additional limitations recited therein.

V. Claim Rejections Under Provisional Non-Statutory Obviousness-Type Double Patenting

The Examiner has provisionally rejected claims 1-13 on the ground of non-statutory obviousness-type double patenting, as allegedly being unpatentable over claims 1-9 of co-pending Application No. 10/681,218.

With respect to this rejection, Applicants respectfully request that the Examiner hold the present Double Patenting rejection in abeyance until the co-pending application has issued as a patent.

**VI. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant herewith petitions the Director of the USPTO to extend the time for reply to the above-identified Office Action for an appropriate length of time if necessary. Unless a check is attached, any fee due under 37 U.S.C. § 1.17(a) is being paid via the USPTO Electronic Filing System (EFS). The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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